

FLORIDA SUPREME COURT

# FINAL REPORT

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WORK GROUP ON STANDARDS FOR  
JURY PANEL SIZES



500 SOUTH DUVAL STREET  
TALLAHASSEE, FLORIDA  
32399-1900

# WORK GROUP ON STANDARDS FOR JURY PANEL SIZES

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WORK GROUP ON STANDARDS FOR JURY PANEL SIZES

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ACKNOWLEDGEMENTS

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### CHAIRMAN'S REMARKS

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It is my honor and privilege to present the final report of the Work Group on Standards for Jury Panel Sizes (work group). It has been a pleasure to serve as the chairperson of the work group the past 18 months.

Pursuant to Florida Supreme Court Administrative Order AOSC04-64, the work group reviewed the history of the development of the current standards for jury panel sizes in Florida's courts; reviewed a recently completed analysis conducted by the Office of the State Court Administrator (OSCA) on the applicability of the current standards; reviewed and considered the relationship between jury panel size standards and the other indices utilized by Florida's courts to determine the efficient utilization of jury panels; and, reviewed the recommendations of the Judicial Management Council's Jury Innovation Committee regarding enforcement of non-compliant jurors and the postponement of jurors.

This report, and the recommendations contained within, are the result of the work of the dedicated members of the work group following productive and informative meetings held in the southern, central and northern geographical areas of the state, a presentation by and communication with representatives of the National Center for State Courts, a public hearing and written communications from many individuals, all of which the membership digested and discussed at length. As a result, other issues which touch on jury panel sizes, such as effective and efficient case management techniques and establishment of a lengthy and complex trial fund to compensate jurors who must be away from their employment while serving, also surfaced. While these matters were outside the scope of the Chief Justice's charge to the work group, they were discussed at length and a recommendation has been made to study them further.

The work group relied heavily on the materials, findings and recommendations of the Jury Innovation Committee. As a consequence of the work group's findings regarding non-compliant jurors, and consistent with the recommendation of the Jury Innovation Committee, in early February I had the opportunity to make a presentation titled, "Dealing with Reluctant Jurors" to the chief judges and trial court administrators. Discussions regarding the specific referrals the Supreme Court made to the chief judges were also included in the presentation. Currently, I am working with the chief judge of the Second Judicial Circuit to develop and implement an administrative order which addresses jury management issues, specifically non-compliant and postponed jurors, for consideration in all of Florida's judicial circuits in an effort to raise the reporting yield of those jurors summoned for jury duty.

On behalf of the members of the work group, I would like to thank Mr. G. Thomas Munsterman, Director, Center for Jury Studies, National Center for State Courts and Judge Gregory Mize, Washington D.C. (retired) for once again answering the call for assistance from the state of Florida. Their guidance, counsel and support were invaluable. Thanks also to OSCA staff members, Gregory Cowan and Gregory Youchock, for their dedication and hard work. Without them, the work group could not have functioned as well as it did.

Finally, I would like to thank the Supreme Court's liaison, Justice R. Fred Lewis, who attended every meeting and hearing, and the individual members of the work group not only for their diligence and hard work but for their vision of what the Florida State Court's jury trial system should be.

### EXECUTIVE SUMMARY

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The recommendations and proposed guidelines found in this report are intended to provide a course of action for making specific improvements to the management of the Florida State Court's jury system. The recommendations should be adopted by the chief justice as policy of the Florida Judicial Branch. A number of general recommendations for future consideration by the chief justice and the other members of the Florida Supreme Court are also provided.

The current standards for jury panel sizes were established through administrative order issued by Chief Justice Stephen H. Grimes on March 22, 1995. The standards, still in use today, and other provisions of the 1995 order are in need of change. These changes are due to a number of factors. They include the change in the juror source list from voter registration to the driver license and identification card list, the reported difficulty in empanelling a jury in certain types of criminal cases, as well as in complex or lengthy civil trials.

It is clear that collaboration and communication among all relevant persons associated with the management of litigation cases and juries is imperative. No other factor is as important to ensure an ample supply of jurors is available at the courthouse when needed for a jury trial. At the same time, collaboration and communication among all involved ensures that no citizen juror is unnecessarily inconvenienced by having to report to the courthouse when the juror is not needed.

Issues regarding case management and complex litigation came to light at the public hearing and were prominent topics in work group discussions. The work group discussed and heard testimony about the difficulty of getting complex cases to trial. While the issues were outside its scope and purpose, the work group is convinced that there should be a further study made to determine whether a process should be established which alleviates this problem.

The work group recommends that a case management procedure be established for complex litigation if further study demonstrates the need.

The procedure should address the importance of setting a trial date early in the life of a case as a means to expedite final disposition. The procedure should also address the importance of early and regular case management conferences between the court and counsel as the case proceeds.

Any consideration of the complex litigation case management procedure should take into consideration the feasibility of establishment of a funding source for the management and operation of a lengthy trial fund (LTF) to improve compensation to jurors who are required to serve on complex and lengthy jury trials.

The need to increase the juror summoning yield was an issue generating extensive discussion at the work group's meetings. The work group recommends all available, reliable and up-to-date information should be utilized to develop demographic information on eligible prospective jurors statewide to increase the service of juror summonses and responses. Also, measures identified by the Jury Innovations Committee for juror summons enforcement were discussed and approved. It is recommended that the Florida State Courts initiate and aggressively implement those measures. Toward this end, with assistance from the National Center for State Courts, the chairman of the work group made a presentation on "Dealing with Reluctant Jurors" to the chief judges and trial court administrators at their February 2006 business meeting and educational program in Tallahassee, Florida. Moreover, juror appreciation activities were

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initiated in many judicial circuits in 2005. The work group recommends that the activities initiated in 2005 be expanded in future years with the express goal of improving juror summoning yield and increasing citizen participation in the jury process. In addition, it is recommended that an ongoing effort be made to correct errors in the driver license source list to ensure the reliability of the data for every potential juror.

The final report from the Jury Innovations Committee completed in May 2001 provides a more extensive list of recommendations and guidelines relating to juror management and administration, in-court procedures, and juror treatment and compensation. Where applicable to the more limited scope of the efforts of this work group, recommendations of the Jury Innovations Committee are cited.

**SUMMARY OF RECOMMENDATIONS**

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I. GUIDELINES FOR JURY PANEL SIZES

- A. The chief justice should enter a new administrative order to govern the management of Florida's jury system and to establish new guidelines for jury panel sizes. This new order should replace the existing order entered on March 22, 1995, by Chief Justice Stephen H. Grimes.
- B. Jury managers should ensure they are utilizing the new guidelines consistent with directions provided in this report as well as the directions contained in the *Jury Management Manual* to determine the maximum number of jurors that may be needed to serve on a given date.

II. COLLABORATION AND COMMUNICATION

The chief justice should stress in the new administrative order the importance of collaboration and communication between all relevant parties associated with the management of cases and jurors. Collaboration and communication is imperative to ensure an ample supply of jurors is available at the courthouse when needed while at the same time ensuring no citizen juror is unnecessarily inconvenienced by having to report when not needed.

III. CASE MANAGEMENT AND COMPLEX LITIGATION

The chief justice should consider the establishment of a work group or committee to review the issues and make recommendations to improve the management of complex cases, especially criminal cases involving those in which the death penalty is being sought and complex or lengthy civil cases.

The work group recommends that a case management procedure be established for complex litigation if further study demonstrates the need.

The procedure should address the importance of setting a trial date early in the life of a case as a means to expedite final disposition. The procedure should also address the importance of conducting early and regular case management conferences between the court and counsel as the case proceeds.

Any consideration of the complex litigation case management procedure should take into consideration the feasibility of establishment of a funding source for the management and operation of a lengthy trial fund (LTF) to improve compensation to jurors who are required to serve on complex and lengthy jury trials.

IV. IMPROVEMENTS IN SUMMONING YIELD

- A. All available, reliable and up-to-date information should be utilized to develop demographic information on eligible prospective jurors. The most accurate and

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reliable information available should be incorporated or merged into the juror source list for use by the courts to improve juror summoning yield.<sup>1</sup>

- B. The chief justice should continue to stress to chief judges, presiding judges, trial court administrators and jury managers the need to initiate and aggressively implement measures to improve the summoning yield throughout their jurisdiction.
- C. The chief judges, presiding judges and jury managers should continue to strive toward the goal of maximizing the efficient use of jurors reporting for service.
- D. The chief judges, presiding judges and jury managers should continue juror appreciation efforts. The efforts should be designed toward the goal of increasing citizen participation in the jury process.
- E. The Governor and Legislature should implement the specific recommendations made by the Jury Innovations Committee to improve the driver license source list.

### V. OTHER ADMINISTRATIVE RECOMMENDATIONS

- A. The chief justice should direct staff from the Office of the State Courts Administrator (OSCA) to implement changes to the Jury Management Report (JMR) form currently being utilized to capture the data necessary for measuring and evaluating the jury management operations throughout the state. The changes to the JMR form should be designed to ensure the data collected is meaningful for the purpose of measuring and evaluating compliance with the new guidelines for jury panel sizes.
- B. The chief justice should direct staff from the OSCA to provide technical assistance to the trial courts as requested to assist in their efforts to implement the recommendations included in this report.

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<sup>1</sup> For example, see Garrahan, Mike. "Using Social Security Numbers to Maintain Your List." Jur-E Bulletin (2005): 2-3. 30 Dec. 2005  
[http://www.ncsconline.org/WC/Publications/KIS\\_JurInnJurE12-02-05.pdf](http://www.ncsconline.org/WC/Publications/KIS_JurInnJurE12-02-05.pdf)

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**SECTION I: GUIDELINES FOR JURY PANEL SIZES**

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The importance of establishing a realistic yet meaningful set of performance measures for the Florida State Court’s jury system can not be overemphasized. Such measures are particularly necessary given the importance of maintaining for litigants an unfettered access to jurors and the jury process while recognizing fiscal limitations.

The performance measure that has long been adopted in the Florida State Courts for this purpose is jury panel sizes. However, the evidence gathered by the work group suggests that the current standards for jury panel sizes used to measure performance have become outdated and underutilized. Recommendations provided in this section are designed to correct this trend.

**RECOMMENDED NEW GUIDELINES FOR JURY PANEL SIZES**

In its final report, the Jury Innovations Committee stated, “There is a direct relationship between standard panel sizes and efficient juror use.” Both this statement and the two specific changes to the panel sizes recommended by the Jury Innovations Committee are endorsed by the Work Group on Standards for Jury Panel Sizes. However, in addition to the two specific changes recommended by that committee, the work group also recommends additional changes to the current panel size standards.

**Recommendation I-A:** The chief justice should enter a new administrative order to govern the management of Florida’s jury system and to establish new guidelines for jury panel sizes.

The recommended changes are designed to achieve three goals:

1. Ensure an ample supply of jurors is available at the courthouse the day of jury selection;
2. Ensure no citizen is unduly inconvenienced by being unnecessarily summoned or required to report for jury duty; and
3. Ensure the Florida State Courts are efficiently using the fiscal resources dedicated for the payment of juror per diem.

To achieve these goals, it is recommended the chief justice enter a new administrative order to govern the management of Florida’s jury system. This new order should replace the existing order entered on March 22, 1995, by Chief Justice Stephen H. Grimes as well as the memorandum issued October 20, 2003, by Chief Justice Harry Lee Anstead.

The new order should establish new “guidelines” for jury panel sizes. The table found in Appendix A outlines the specifics. In general, the changes incorporated into these new guidelines for jury panel sizes include:

1. Allowance for the presiding judge to **exempt** complex and lengthy cases from the panel size guidelines. Currently this authority is granted to the chief judge.
2. Allowance for the presiding judge to **deviate** from the panel size guidelines for typical cases in which there are additional criminal case defendants or civil case parties, for

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lengthy trials, for high profile trials, and for other extraordinary circumstances. No such deviations are presently available in the current standards.

3. Expansion of the list of case types currently established in the March 22, 1995, order. This expansion will allow for larger panels for certain case types (e.g., sexual battery, child abuse cases) where impaneling a jury is more difficult.
4. Incorporation of a number of upward adjustments to the current jury panel sizes due in part to the impact of the change in the source list from voter registration to driver's license.

In addition to these changes, the new administrative order should include general guidance for the implementation of these new guidelines. The general guidance should include at a minimum:

1. A statement expressing the new guidelines as a tool for presiding judges and jury managers to use as guidance for determining the number of prospective jurors to summons. That is, the new guidelines are not to be used as a hard and fast rule for limiting the number of jurors being sent to a courtroom for voir dire.
2. A statement stressing the importance of the early determination in all cases by the presiding judge and trial attorneys of the number of prospective jurors to summons for the trial of the case. In addition, that prompt communication in all cases must be made to jury managers of the number of prospective jurors to summons as well as when they will be needed. Reports to the work group indicate this determination and communication is not being made in a timely fashion or is completely absent in some jurisdictions.
3. A statement stressing the importance of collaboration and communication between all relevant persons associated with the management of cases and jurors as the most important factor in ensuring an ample supply of jurors is available at the courthouse the day of jury selection while eliminating or at least minimizing inconvenience to citizens by making them report when not needed. Again, reports to the work group indicate that this level of collaboration and communication is lacking or absent in some jurisdictions.

### **DETERMINING THE NUMBER OF JURORS TO SUMMONS USING THE RECOMMENDED NEW GUIDELINES**

The new guidelines, if adopted, are provided specifically to assist jury managers in determining the number of jurors to summons. Additional guidance regarding this determination can be found in the *Jury Management Manual* published by OSCA.

As described in the manual, the initial step in determining the number of jurors to summons is to predict the number of cases scheduled for trial that will actually need a panel on a scheduled date. This number can be determined by the jury manager through collaboration and communication with the parties associated with the management of the case and based on historic data (e.g., the average number of trial starts per day for several months) and intangible factors (e.g., trends of presiding judges and/or attorneys).

Also through collaboration and communication, the jury manager should determine if any of the cases predicted to need a panel of jurors has been determined by the presiding judge to be

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exempted from or will deviate from the panel size guidelines. The jury manager should seek out or be advised of the information well in advance of the issuance of the juror summons to those potential jurors required for the cases actually set for jury trial.

For the remaining routine cases predicted to need a panel of jurors on a scheduled date, the jury managers should use the guidelines in the table provided in Appendix A for estimating the number of jurors required for those panels.

By adding together the numbers of jurors required for cases determined by the presiding judge to be exempted from or which will require deviation from the guidelines to the number of jurors required for the remaining cases, the jury manager can determine the maximum number of jurors needed to serve on a given date.

At this point, the jury manager will need to consider the summoning yield for the jurisdiction. Summoning yield is the actual number of jurors available to serve divided by the total number of jurors summoned. For example, if 100 summonses were sent out and only 34 of those jurors summoned were available to serve, the summoning yield would be 34 percent. Since summoning yield can vary from week to week or month to month, historic summoning yield for the individual jurisdiction is recommended.

**Recommendation I-B:** Jury managers should ensure they are utilizing the new guidelines consistent with directions providing in this report as well as directions provided in the *Jury Management Manual* to determine the maximum number of jurors that may be needed to serve on a given date.

By dividing the maximum number of jurors that may be needed to serve on a given date by the summoning yield, the jury manager can estimate the maximum number of jurors to summons. A flowchart and a worksheet further delineating this process are provided in Appendix B and Appendix C, respectfully.

Additional information and guidance for determining the number of jurors to summons is provided in section 2.0 of the *Jury Management Manual*, and additional information regarding the general rationale for standard panel sizes is provided in section 4.16 of the *Jury Management Manual*. Also, information and guidance regarding postponements and other issues and techniques associated with effective and efficient jury management are provided throughout the *Jury Management Manual*.

Jury managers needing assistance with any of these jury management issues, with the calculations described in this report or with any data requests should contact OSCA staff. Staff contact information is provided on page 4 of this report.

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**SECTION II: COLLABORATION AND COMMUNICATION**

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Collaboration and communication between all parties associated with the management of cases and jurors are imperative to ensure an ample supply of jurors is available at the courthouse the day of jury selection. Collaboration and communication are also important to ensure that no citizen is unnecessarily inconvenienced by having to report for jury service when not needed. Finally, collaboration and communication are imperative to ensure the Florida State Courts are efficiently using the fiscal resources dedicated for the payment of juror per diem.

While these points are included in the previous section, they are worth repeating. **No single factor is as important for a successful jury management system as the collaboration and communication between the presiding judge, trial attorneys, jury managers, judicial assistants, bailiffs, clerks, or other local staff members associated with the management of jurors.**

As is stated in the previous section, it is recommended the new administrative order include general guidance regarding the importance of collaboration and communication in jury management. General guidance in the administrative order should include:

**Recommendation II:** The chief justice should stress in the new administrative order the importance of collaboration and communication between all relevant parties associated with the management of cases and jurors.

1. A statement stressing the importance of the early determination in all cases by the presiding judge and trial attorneys of the number of prospective jurors to summons and prompt communication in all cases to jury managers of the number of prospective jurors to summons. Reports indicate this determination and communication is not being made in a timely fashion or is completely absent in some jurisdictions.
2. A statement stressing the importance of collaboration and communication between all parties associated with the management of cases and jurors as the most important factor in ensuring an ample supply of jurors are available at the courthouse the day of jury selection while minimizing any inconvenience to citizens by having them report when not needed. Again, reports indicate that this level of collaboration and communication is lacking or completely absent in some jurisdictions.

The *Jury Management Manual* states that a good working relationship between all parties associated with the management of cases and jurors is “a necessary ingredient to a successful jury management program.” And it advises that the first two basic steps for jury managers to follow in order to ensure efficient and effective jury management are:

1. Develop support of the judiciary; and
2. Cultivate a contact person (e.g., the judges’ judicial assistant) with each judge who can provide accurate information on pending trials.

Building these working relationships, developing the support of the judiciary, and cultivating contact persons all require collaboration and communication. Too often jury selection is delayed, cases are continued, or mistrials declared simply because of the lack of collaboration and communication between the parties. Delays, continuances, or mistrials due to a failure to collaborate or share information are simply unacceptable.

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**SECTION III: CASE MANAGEMENT AND COMPLEX LITIGATION**

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The management of juries and the management of cases are inextricably related. Of particular interest to the work group were issues related to the case management of complex litigation and the development of recommendations to improve upon the timely disposition of those cases.

Toward that end, the work group initiated a review of successful methods currently being used in some Florida jurisdictions for the timely disposition of complex cases. The review included the procedures currently being employed in the Fourth and Eighth Judicial Circuits of the Florida State Courts as well as those employed in the Florida Middle and Southern Federal District Courts. A presentation by Chief Judge Donald R. Moran, Jr. and Circuit Judge Charles O. Mitchell, Jr., from the Fourth Judicial Circuit of Florida, helped further illuminate the complexity of the issue itself.

Discussions also included a review of the lengthy trial fund (LTF). The LTF represents an innovative mechanism to help defray the loss of salary to citizen jurors while serving on complex and time consuming jury trials. A properly designed LTF should also help expedite the jury selection process by increasing the number of citizens available to serve on complex and lengthy jury trials.

While outside the immediate scope and purpose of its charge, the work group heard testimony and discussed the difficulty of setting complex cases for trial. The work group is convinced that a procedure should be studied and considered which alleviates this problem.

The work group recommends further study to demonstrate whether or not a case management procedure should be established for complex litigation.

**Recommendation III:** The chief justice should consider the establishment of a work group or committee to review issues and make recommendations to improve the management of cases, especially cases involving complex litigation. The work group recommends further study and review to determine if a case management procedure should be established for complex litigation.

Any procedure should address the importance of setting a trial date early in the life of a case as a means to expedite final disposition. The procedure should also address the importance of early and regular case management conferences between the court and counsel as the case proceeds.

Any study or review of a complex litigation case management procedure should take into consideration the feasibility of establishment of a funding source for the management and operation of a lengthy trial fund (LTF) to improve compensation to jurors who are required to serve on complex and lengthy jury trials.

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SECTION IV: IMPROVEMENTS IN SUMMONING YIELD

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Summoning yield is calculated by dividing the number of jurors available to serve by the number of prospective jurors summoned. While it varies by county from a low of approximately 12 percent to a high of 50 percent, the summoning yield in Florida over the last several years has averaged about 30 percent. The national standard is 40 percent.

The work group found that it remains clear that efforts to improve the summoning yield in Florida are needed. (See, Jury Innovation Report dated May 2001.) In order for these efforts to have any chance of success they will need to be addressed at both the state and local level.

A goal to improve the juror summoning yield should include the development of a source list which contains the most reliable and up-to-date information available on eligible prospective jurors.

The work group therefore recommends that all available, reliable and up-to-date information should be utilized to develop demographic information on eligible prospective jurors. The most accurate and reliable information available should be incorporated or merged into the juror source list for use by the courts to improve juror summoning yield. This process should include, but not necessarily be limited to, currently available data such as driver's license, ID card and vehicle registration lists, voter registration lists, real property owner lists, unemployment compensation recipient lists, Medicaid recipient lists and other such lists that could be available for merger into a single juror source list.

**Recommendation IV-A:** All available, reliable and up-to-date information should be utilized to develop demographic information on eligible prospective jurors. The most accurate and reliable information available should be incorporated or merged into the juror source list for use by the courts to improve juror summoning yield.

The May 2001 final report of the Jury Innovations Committee included recommendations for local implementation to improve summons enforcement.

The recommendations included efforts to address non-compliant jurors and postponement of jury service by jurors who request one. Excerpts from the final report related to these recommendations are provided below.

**Summons Enforcement.** Many citizens do not respond to their initial jury summons, thereby becoming Failures To Appear (FTA). Courts have various methods available to assist them in enforcing a summons, including issuing a notice to appear or contempt citation and imposing a fine. A primary goal of any enforcement action is to retain public respect for the court and the rule of law. A secondary goal is to provide for sufficient jurors so that the cases on the court's docket may be tried in a timely manner. The literature indicates that indifferent enforcement damages the legitimacy of the jury process. Moreover, those who do not report for service often realize that there are no consequences for their behavior.

**Non-compliant Jurors.** Courts struggle constantly with how to address the issue of non-compliant jurors or FTA's. Since jury duty is imposed by the state, any reward to a prospective juror is tied to an understanding that performing one's civic duty is important. Recent research indicates that greater enforcement of the summons, along with public education, are two factors that increase the summoning yield and juror

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satisfaction. Follow-up letters from the court to the FTAs reminding them of their obligation can have a positive impact on both the summoning yield and attitude of the FTA. With the advent of electronic signatures and scanners, issuing follow-up letters from the court or a designated jury judge can produce significant benefits in terms of increases in the summoning yield. The Chief Judge of the circuits should issue an administrative order establishing the circuit's procedures (i.e., follow-up letters, orders to show cause, potential penalties, etc.) to address the problem of jurors who willfully fail to respond to a jury summons. Public education, particularly in the middle and high schools, about the intrinsic benefits of civic involvement and responsibility (including jury duty) are also encouraged as methods which may have a beneficial effect.

**Postponements.** One way to accommodate jurors and keep the summoning yield high is for courts to adhere to a liberal postponement or deferral policy. Many jurors are willing to serve but find the date on their summons to be inconvenient. Courts are encouraged to defer jurors to a date up to six months from their original summons date. This demonstrates to the jurors that the court is sensitive to their schedules yet needs for them to serve at a later time. This technique is practiced by many jury managers throughout Florida and is recommended by the Office of the State Courts Administrator (OSCA) in its *Jury Management Manual*. More importantly, it is specifically authorized by section 40.23(2), Florida Statutes.

On October 17, 2003, Chief Justice Harry Lee Anstead issued Administrative Order AOSC03-41 approving these recommendations and referred them to the chief judges of the trial courts for implementation. As a result of the referral and at the chief judges' request, the chairman of the work group, who was also a member of the Jury Innovations Committee, made a presentation titled "Dealing with Reluctant Jurors" to all of the chief judges and trial court administrators at their February 2006 business meeting and education program in Tallahassee, Florida. The work group recommends that the chief justice continue to stress to chief judges, presiding judges, trial court administrators and jury managers the need to initiate and aggressively implement measures to improve the summoning yield throughout their jurisdiction.

**Recommendation IV-B:** The chief justice should continue to stress to chief judges, presiding judges, trial court administrators and jury managers the need to initiate and aggressively implement measures to improve the summoning yield throughout their jurisdiction.

Chief judges in particular should consider the imposition of specific sanctions designed to gain juror compliance with their summons. To ensure juror compliance, the work group discussed an education component, consisting of explaining to jurors at the time of reporting for jury service the sanctions and remedies available to the court for not complying with the juror summons. This provides notice as to the sanctions and remedies available. It also serves to disseminate the information to the community. This information can be presented, for example, by the jury manager or judge during the introduction to jury service.

The work group took much public testimony on this issue. Among the various sanctions and potential remedies discussed, the following appear best suited to achieve the goal:

1. Jurors who do not appear with an initial summons should be summoned again within sixty (60) days;

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2. Jurors who do not appear on the initial summons should be mailed a form letter which both invites them to appear when their second summons is issued and details the sanctions which are available to the court if they fail to appear;
3. Jurors who do not appear after receiving the second summons should be ordered to do perhaps as much as eight hours of community service; a portion of the community service should be done in the courthouse where there would be an education component to make the citizen aware of the overall importance of the American jury system. The remainder of the community service could be jury trial related so the person spends an entire day in the courthouse;
4. Jurors who do not appear after receiving a second summons could automatically be issued a citation which sets an early date for them to come to the courthouse once again for jury service and, if there is continued noncompliance, a fine in the amount of no less than one hundred dollars could be levied against the individual; and
5. Continued noncompliance could result in a finding of contempt which is provided for in chapter 40, Florida Statutes.

To the extent that these recommendations require legislative enactment, the work group recommends the Legislature do so.

Research has shown that juror satisfaction is increased tremendously if the juror is merely sent to the courtroom. In addition to the recommendations by the Jury Innovations Committee, the work group is of the opinion that juror appreciation with an emphasis on juror satisfaction must always be a high priority of the court system. Therefore, Florida's courts should make concerted efforts to maximize the efficient use of jurors reporting for service at Florida's courthouses.

**Recommendation IV-C:** The chief judges, presiding judges and jury managers should continue to strive toward the goal of maximizing the efficient use of jurors reporting for service.

Consistent with the findings and recommendations of the Jury Innovations Committee, the work group believes that additional juror appreciation and education activities may also help to improve citizen participation in the jury process. These activities might include:

1. Improving juror accommodations;
2. Creating additional juror parking and transportation options;
3. Negotiating and providing discounts for jurors with local restaurants;
4. Providing more comfortable chairs;
5. Utilizing juror orientation videos; and
6. Providing amenities such as cable television, Internet access and day care for small children.

**Recommendation IV-D:** The chief judges, presiding judges and jury managers should continue juror appreciation efforts. Such efforts should be designed toward the goal of increasing citizen participation in the jury process.

Such efforts were stressed by Chief Justice Barbara J. Pariente as part of the Law Day and Juror Appreciation Month activities held in May 2005. These efforts need not be complicated. For

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example, juror accommodations can easily be improved by simply ensuring the temperature in the courtroom and jury deliberation room are not too cold. This was one of the most frequently mentioned complaints by jurors in recent juror surveys conducted by Circuit Judge Ronald Dresnick, Eleventh Judicial Circuit.

Errors in the driver license source list have required courts to summon more prospective jurors in order to generate an adequate pool of persons available for voir dire. These errors were identified by the Jury Innovations Committee which issued recommendations stating:

(M)ore resources should be expended to correct errors in the list relating to felony status, residence, and underage (18) eligibility. In relation to residence, the Committee recommends that the Department of Highway Safety and Motor Vehicles include county of residence on its driver license application form. Particular attention should be given to removing monetary impediments for persons updating their addresses on driver licenses.

The Committee recommends that section 322.17(2), Florida Statutes, be amended to delete the ten dollar fee a licensee must pay for a replacement license with a change of name or address. It is the view of the Committee that this fee operates to discourage some persons from keeping the information on their driver license current.

**Recommendation IV-E:** The Governor and Legislature should implement the specific recommendations made by the Jury Innovations Committee to improve the driver license source list.

In his October 17, 2003, order, Chief Justice Harry Lee Anstead referred the Committee's recommendations to the Governor and Legislature; they have yet to be acted upon. The work group recommends the Governor and Legislature implement these recommendations as soon as possible.

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**SECTION V: OTHER ADMINISTRATIVE RECOMMENDATIONS**

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As stated in section I, jury panel sizes represent a performance measure for the Florida State Court's jury system. Recommendations in section I of this report are geared toward establishing realistic guidelines against which performance can be meaningfully measured and evaluated.

However, in addition to realistic guidelines, adequate data must be available in order to properly measure and evaluate performance against the guidelines. While data is being collected by the Office of the State Courts Administrator (OSCA) through the Jury Management Report form (JMR), in its current design, the JMR form does not adequately capture the data necessary for measuring and evaluating performance against either the jury panel size standards established by Chief Justice Stephen H. Grimes in his 1995 administrative order to the Florida courts or the new recommended guidelines for jury panel sizes.

**Recommendation V-A:** The chief justice should direct staff from the OSCA to implement changes to the JMR form currently being utilized to capture the data necessary for measuring and evaluating the jury management operations throughout the state. The changes to the JMR form should be designed to ensure the data collected is meaningful for the purpose of measuring and evaluating compliance with the new guidelines for jury panel sizes.

Therefore, the chief justice should direct staff from the OSCA to implement changes to the JMR form to capture the data necessary for measuring and evaluating the jury management operations throughout the state. These changes to the JMR form should be designed to ensure the data collected is meaningful for the purpose of measuring and evaluating compliance with the new guidelines for jury panel sizes.

**Recommendation V-B:** The chief justice should direct staff from the OSCA to provide technical assistance to the trial courts as requested to assist in their efforts to implement the recommendations included in this report.

Statewide implementation of the changes recommended in this report will not be easy and represents a long-term initiative for improving the management and operation of the Florida State Court's jury management system. Therefore, the chief justice should also direct staff from the OSCA to provide technical assistance to the trial courts as requested to assist in their efforts to implement the recommendations included in this report.

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APPENDIX A:

RECOMMENDED NEW PANEL SIZE GUIDELINES

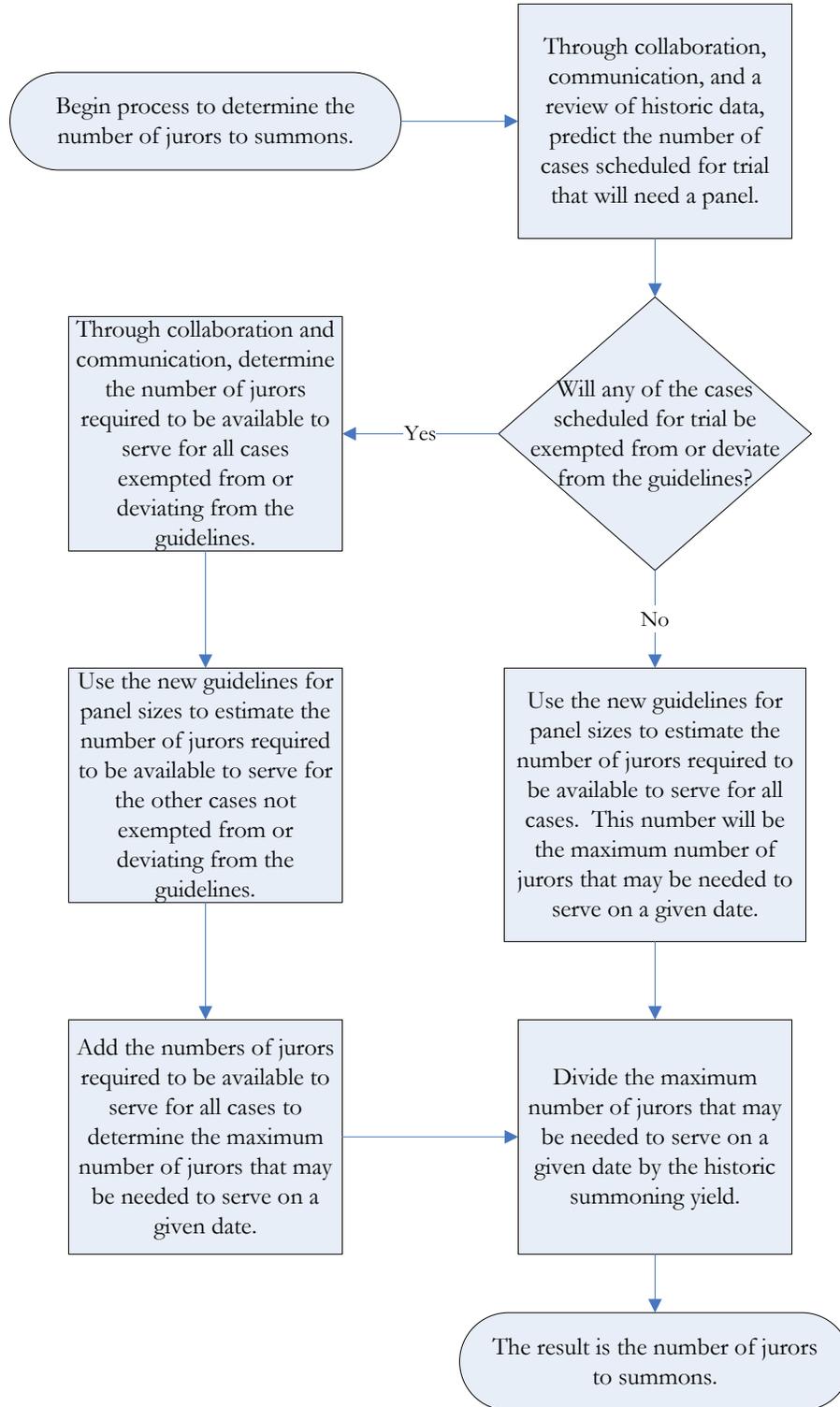
Panel Size Guidelines for Typical Cases			Guidelines for Exempted Cases**
Case Type	Guideline	Acceptable Deviations* (with approval of presiding judge)	
Death penalty cases	No greater than 50	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	Jury Panel Size to be Established by the Presiding Judge and Parties (Prompt notification to jury managers will be required.)
Other 12 person juries (criminal or civil) and life felonies	No greater than 40	Plus 3 for each additional defendant/party; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Sexual battery cases w/ child	No greater than 30	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Sexual battery cases no child	No greater than 25	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Other circuit criminal cases	No greater than 22	Plus 2 for each additional defendant; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Other circuit civil cases	No greater than 22	Plus 2 for each additional party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Domestic violence cases	No greater than 16	Plus 2 for each additional party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Driving under the influence cases	No greater than 16	Plus 2 for each additional defendant; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Other county cases	No greater than 14	Plus 2 for each additional defendant/party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	

\* These deviations from the guidelines must be approved by the presiding judge. Deviations may be cumulative given case specifics. However, such deviations should not exceed 20 jurors above the guideline. Lengthy trials are those predicted to last more than five days. High profile trials are those receiving a significant amount of publicity as determined by the presiding judge. Extraordinary circumstances are any other factors that may impact the voir dire process as determined by the presiding judge.

\*\* Exemptions may be granted for complex, lengthy, or high profiles cases as determined by the presiding judge.

APPENDIX B:

PROCESS TO DETERMINE THE NUMBER OF JURORS TO SUMMONS



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APPENDIX C:

WORKSHEET TO DETERMINE THE NUMBER OF JURORS TO SUMMONS

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1. Prediction of the number of cases needing a panel \_\_\_\_\_
2. Number of the cases included in line 1 that have been exempted from or deviating from the guidelines \_\_\_\_\_
3. Number of jurors required to be available to serve for all cases exempted from or deviating from the guidelines (Will equal "0" if line 2 equals "0") \_\_\_\_\_
4. Number of cases needing a panel and not exempted from or deviating from the guidelines (Subtract line 2 from line 1) \_\_\_\_\_
5. Number jurors required to be available to serve for all cases included in line 4 (Use the new guidelines to estimate the number of jurors needing to be available to serve for these cases) \_\_\_\_\_
6. Maximum number of jurors that may be needed to serve (Add lines 3 and 5) \_\_\_\_\_
7. Summoning yield for your jurisdiction (See the *Jury Management Manual* section 2.8 for calculating this figure) \_\_\_\_\_
8. Total number of jurors needing to be summoned (Divide line 6 by line 7) \_\_\_\_\_